

THE
Liberty of the Subject

BY

Magna Charta :

O R,

Several weighty things to be confi-

dered of by the Jurors and Judges, seeing the Law of *ENGLAND* is said to be a Law of Mercy, and doth take care that Jurors be of the next Neighbourhood, most sufficient Men, and Persons that are least suspicious : And that Judges and Ministers of Justice are to do even Law and Execution of Right to all Men, rich and poor, without respect of persons.

And,

That *MAGNA CHARTA*, and the Charter of the Forrest are to be allowed in all their points; and that if any Judgement be given contrary to the Points of the Charters by any of the Kings Ministers of Justice, it is to be undone and holden for naught. 25. *Ed. 1. c. 1. 2.*

Likewise,

No man is to be put to answer without presentment before Justices, or matter of Record by due process, or by Writ Original, according to the old Law of the Land, and if any thing be done to the contrary it shall be void in Law, and holden for error. 42 *Ed. 3. cap. 3.*

Written in the 6th, Month, 1664,

10
The names of the persons who have been
judges or members of the courts, or by their
Original names and to the old law of the land, and
any thing that is done to the contrary is null and void.
and the same shall be so in all cases.

Witness in the 10th year 1864

THE
Liberty of the Subject
BY
Magna Charta :

OR,

Several serious and weighty confide-
rations, as hereafter followeth.

1. *Because the Innocent shall not be worn and wasted by long Imprisonment.*
2. *That Prisoners for criminal causes when they are brought to their Tryal be humanely dealt withal.*
3. *The Judge ought to exhort him to answer without fear, and that Justice shall be duly administered unto him, &c.*

FOrasmuch as the Law of England is said to be a Law of Mercy, and that three things are favoured in Law.
1. Life. 2dly. Liberty. And 3dly. Dowre. And
That there are two things which the Law delights
in. First, To have things openly and so-
lemnly done. Secondly, Certainty, for
Truth is said to be the Mother of Justice,
and Certainty the Mother of quietness and
repose: What care therefore ought the Ju-
rors and Judges to have in executing the
late Act, made for preventing and sup-
pressing seditious Conventicles, that they

Cook 2. part.
Instru. fol.
315. 316.
Cook 1. part.
Instru. fol.
224. 39.

may not do things uncertainly nor unjustly; and without mercy, nor that they may not seek to suppress the Truth, and People of God, instead of suppressing Sedition, and preventing Insurrection, nor that they may not punish the Innocent instead of the Guilty. Ought they not in order to the Executing of the said Act, to take these things hereafter following into due and serious consideration.

First, That religious and godly Meetings which are only for the Service and Worship of God, are neither accounted unlawful Assemblies, nor prohibited, or punishable by the said Act. But seditious and ungodly Meetings are prohibited and punishable thereby. For it is sedition and contriving Insurrection at Meetings under colour of Religious Worship, that makes Meetings to be unlawful Assemblies, and seditious Conventicles punishable by the said Act, and not such godly religious Meetings as are far off and free from Sedition in word or action, and also from designing or contriving any Insurrection.

Secondly, That such Meetings upon the account of Religion and Worship of God as are not contrary to the manner allowed by the Liturgy or practice of the Church of *England* are not prohibited, nor punishable by the said Act, but ought to be freed from the force of the penalties in that case provided.

Thirdly, That for people to assemble and meet together without any intent either to sowe Sedition, or to contrive Insurrection, but onely to wait upon the Lord in the way of his Worship, and to preach and pray, and to perform duty and service to God at any time, or in any place, according to the gift and requirings or teachings of the Word and Spirit of God, is not contrary to what is allowed by the Liturgy of the Church, because the Liturgy alloweth the same.

Fourthly, That for persons and people to assemble and meet together under colour of religious Worship, with an intent

(3)

intent to contrive Insurrection, is to meet in other manner then is allowed by the Liturgy or practise of the Church; because neither the Liturgy nor practise of the Church alloweth of any such things.

Fifthly, Otherwise, ought not the Jurors and Judges to consider whether according to Law, and in order to a certain legal determination of the matter in a legal manner, it ought not first to be determined by the Spiritual Judges? viz. What Meetings upon the account of Religion and Worship of God are allowed by the Liturgy of the Church or contrary to the manner allowed by the Liturgy or practise of the Church, before the Jurors or temporal Judges ought to finde a verdict, and passe Judgement accordingly to punish the persons and people for such matters and causes, seeing it is a spiritual matter and cause, being about the Service and Worship of God.

Sixthly, Ought they not to consider whether it belongs unto them to judge and condemn persons for spiritual causes and matters of Conscience in things appertaining to the Worship of God? or whether they ought not to disclaim it as not belonging to their jurisdiction, because they do not fit and act as Judges in a spiritual capacity, but in a temporal; for is not the body politick divided into two parts, the one part called by the name of spirituality, and the other called the temporality; and are not their powers distinct, the one to hear and determine spiritual matters, and causes, and the other to hear and determine temporal causes and matters: and hath not the body spiritual power when any cause of the Law Divine happens to come in question, or of spiritual learning, to declare and determine all such doubts, and to administer all such offices and duties as to their room spiritual doth appertain? and are not the Laws Temporal for tryal of property of Lands and Goods, and for the conservation of the people of this Realm in unity and peace without ravine or spoil by the Temporal Judges, and the other by the Spiritual Judges,

24. H. 8. c. 12. Judges? or as by the Statute appeareth :
see the Statute, 24. Hen. 8. cap. 12.

Seventhly, Ought they not to consider that people are not to be punished (by the late Act) for the Service and Worship of God; but for meeting together to sow Sedition, or to contrive Insurrection under pretence of Religious Worship; and must it not be made apparent and evident that they do so. viz. sow Sedition, or contrive Insurrection, before they can or ought truly according to Law be found guilty, or condemned by the late Act so as to suffer the penalties thereof.

Eighthly, ought not they to consider, 1. Against what persons and practises the remedies by the said Act are provided. 2. Who they are that come within the reason of the Act. 3. For what end the penalties are to be executed. And 4. What Meetings are accounted and declared by the said Act to be unlawful Assemblies, and punishable thereby, that those may not be punished but acquitted who are not guilty thereof?

Ninthly, It is not evident, first that the Title of the Act is to prevent and suppress Seditious Conventicles (and not godly religious Meetings.) 2. That the remedies provided by the said Act are against the growing and dangerous practises of sedition. Sectaries and disloyal persons, who do at their Meetings contrive Insurrections, as late experience hath shewed; but neither former nor present experience hath shewed any such things to be done or intended at the godly Meetings of the innocent people reproachfully called Quakers, who are utterly and absolutely against sowing of Sedition, or contriving of any Insurrection, and ought therefore to be cleared, and clearly acquitted from the penalties of the Act in that case provided, as not being persons that comes within the reason of the Act, against whom the remedies are provided as aforesaid.

Tenthly, Doth, or may it not clearly appear, that for persons to meet together (in greater or lesser numbers) really

ally to serve and worship the Lord, is no offence against Law, nor punishable by the said Act: but for persons to pretend to meet together under colour of religious Worship, and do not intend it, but makes a religious pretence a colour to cover and persecute a wicked intention under, so as to sowe sedition, and to design or contrive insurrection under so fair a pretence.

Eleventhly, Ought not the Jurors to enquire of that, to finde out the certainty and truth of the matter in issue or question, in order to judgement or final determination, viz. Whether such a thing can be found out upon enquiry, and so clearly and evidently appear that persons are guilty of contriving Insurrection at Meetings under so fair a pretence as aforesaid, that they may suffer according to their deserts who do appear to be guilty thereof: but if no such thing appear upon tryal, is it not the duty of Jurors and Judges to acquit them that are not guilty either of sowing Sedition, or contriving Insurrection at Meetings as aforesaid? consider well of it.

Twelfthly, Ought not the Jurors to consider what Meetings are accounted and declared (by the late Act) to be unlawful Assemblies and punishable thereby? and doth, or may it not appear that seditious and tumultuous Meetings are accounted and declared by the Statute it self to be unlawful Assemblies. 1. Because the Title of the Act is to prevent and suppress seditious Conventicles. 2. Because the remedies provided by the said Act are against the growing and dangerous practises of seditious Sectaries and disloyal persons, who under pretence of tender Consciences do at their Meetings contrive Insurrections, as late experience hath shewed. And 3dly. Because the execution of the penalties, or the Act it self is for the preventing of the mischiefs that may grow by such seditious and tumultuous Meetings, or as by the Statute appeareth.

Thirteenthly, Is it so, that seditious and tumultuous Meetings are declared by the said Act to be unlawful Assemblies

blies that are to be prevented or suppressed as aforesaid, ought it not to be made clearly apparent and evident to the Jurors, That the godly and religious Meetings of an innocent people, reproachfully called Quakers, are seditious and tumultuous Meetings, or else how can the Jurors justly condemn them as unlawful Meetings, or Assemblies, to suffer the penalties of the said Act? ought they not rather in duty to God-ward, and in discharge of their Office to clear them in the face of the Countrey, and to free them from the force of the penalties; consider well of it in the fear and wisdom of God, unto whom all must give an account, who hath punishments for the wicked, and rewards for the righteous.

Fourteenthly, Ought not the Jurors further to consider, that for persons simply to meet and assemble together without any intent to break the Peace (in a seditious and tumultuous manner) or to do any unlawful act with force or violence, is not an unlawful Assembly; but for persons to assemble and meet together with an intent to break the Peace (in a seditious and tumultuous manner) or to do some unlawful act with force or violence, is an unlawful Assembly.

An Assembly of an hundred persons or more (yea, though they be in armour) yet if it be not in terrour or asfright of the people, and were assembled without any intent to break the peace, it is not prohibited by these Statutes, nor unlawful saith
 1 M. 12.
 1 El. 17. Dalton in his Justice of Peace: See Dalton
 fol. 279. It seemeth (saith he) it can be no unlawful Assembly except there be an intent precedent to do some unlawful act, and with violence, or force: see *Dalt. J. P. fol. 279.*

And their being together (when they are assembled) and their demeanour must be such, as shall or may breed some apparent disturbance of the Peace: either by threatening speeches, turbulent gesture, shew of armour, or actual force

or violence, to the terrour and fearing of the peaceable sort of people, &c. or else it can be no riot, rout, or unlawful Assembly, saith *Dalton* in his *Justice of peace*: see *Dalton* fol. 281.

If little private Assemblies be Conventicles, doth not the Act itself allow of Conventicles, because it allows of little private Meetings, to the number of four, besides them of the household: it seems it is not Christian Meetings, but seditious Conventicles that are prohibited and punishable as aforesaid. Ought not therefore the Jurors to enquire whether the persons assembled did some sedition, discord, debate, and strife, did they speak any seditious words, or use any threatening speeches, shew of armour, or actual force or violence, to the terrour and fearing of the peaceable sort of people, or how can it appear, that they are guilty of seditious and tumultuous words and actions, (or of being at seditious and tumultuous Meetings,) and if no such things appear and be evident, is it not the duty of the Jury to acquit them from the force of the penalties, to all intents, constructions, and purposes?

Ought not the Judges or Justices to consider what they are commanded and sworn to do, that they may perform their duty in respect of their Office, and not break their Oathes. Are not they commanded and sworn to do even, or equal Law, and Execution of right to all men, rich and poor, without respect of persons. 2dly. Are they not to allow the great Charters of the Liberties of *England* in all their points. 3dly. Are they not to do Justice and Right to all men, freely, without sale, fully without denial, and speedily without delay. 4thly. Are they not to do all men Justice and Right, according to Law, and the usage of the Realm. 5thly. Is it not according to Law, and the usage of the Realm to convict or try Fellons, Traytors, and the worst of men by the verdict of a Jury of good men and true? And how can persons properly (according to Law and the usage of the Realm) be said to be offenders for a

third offence in one and the same cause, matter, and thing, if they were never convicted of, and tryed by, a Jury of good men and true, for the first and second offence, according to Law and the usage of the Realm.

It is enacted by *Magna Charta* (confirmed by 32 Acts of Parliament) that no Free-man shall be

9 Hen. 3. cap. 29.

Cooks Proeme to the

2 part Instit.

taken or imprisoned, or dis-seized of his Free-hold, or Liberties, or free Customs, or be outlawed or exiled, or in

any wise destroyed, nor we will not

pass upon him, nor condemn him, but by lawful judgement of his equals, or by the Law of the Land, we shall sell to no man, we shall deny or defer to no man either Justice or Right. *Magna Charta, cap. 29.*

First, No man is to be taken or imprisoned, but by the Law of the Land, that is, by the Common Law, Statute Law, or custome of *England*. Secondly, No man shall be dis-seized, that is, put out of seizen, or dispossessed of his Free-hold, that is, Lands, Livelihood, or of his Liberties, or free Customs; that is, of such Franchises and Freedoms, and free Customs as belong to him by his free Birth-right, unless it be by the lawful judgement, that is, verdict of his equals (that is) men of his own condition, or by the Law of the Land, that is, to speak once for all by due course and process of the Law. Thirdly, No man shall be outlawed, made an *Ex lex*, put out out of the Law, that is, deprived of the benefit of the Law, unless he be outlawed according to the Law of the Land. Fourthly, No man shall be exiled or banished out of his Countrey, unless he be exiled and banished by the verdict of his equals, or according to the Law of the Land. Fifthly, No man shall be in any sort destroyed except it be by the verdict of his equals, or according to the Law of the Land. Sixthly, No man shall be condemned at the Kings Suit, either before the King in his Bench, where the Pleas are *Coram Rege*, nor before any other Commissioner or Judge whatsoever, but by the judgement

ment of his Peers, that is, equals, or according to the Law of the Land. Seventhly, We shall sell to no man Justice and Right. Eighthly, We shall deny to no man Justice or Right. Ninthly, We shall defer to no man Justice or Right: see Cook upon the 29. chap. of *Magna Charta*, 2. pt. Instit. fol. 45. 46. 47. 48. 49. 50.

No man shall be in any sort destroyed, unless it be by the verdict of his equals, or according to the Law of the Land. And no man shall be condemned at the Kings suit before the King in his Bench, nor before any other Commissioner, or Judge whatsoever, but by the judgement of his Peers, that is equals, or according to the Law of the Land, saith Cook upon *Magna Charta*.

Nisi per Legem terra] but by the Law of the Land; for the true sense and exposition of these words, see the Statute of 37. Edw. 3. where the words, by the Law of the Land are rendered without due process of Law, for there it is said, though it be contained in the great Charter, That no Man be taken, imprisoned, or put out of his Free-hold without process of Law, that is by Indictment and Presentment, of good and lawful men, where such deeds be done in due manner, or by Writ Original of the common Law: see Cook upon *Magna Charta*, fol. 50.

Item. Whereas it is contained in the great Charter of the Franchises of England, that none shall be imprisoned, or put out of his Free-hold, nor Franchise, nor free Customs, but by the Law of the Land, it is accented, assented, and established, that from henceforth none shall be taken by petition, or suggestion made to our Sovereign Lord the King, or to his Council, unless it be by Indictment or presentment of his good and lawful Neighbours where such deeds be done, in due manner, or by process made by Writ Original at the common Law, nor that none be put out of his Franchise, nor of his Free-holds, unless he be duly

brought in to answer, and fore-judged of the same by way of Law: And if any thing be done against the same, it shall be redressed and holden for none: see the Statute 25. *Edw. 3. cap. 4.*

No man shall be taken and imprisoned without being brought in to answer by due process of Law: for it is enacted by a Statute made in the eight and twentieth year of the reign of King *Edward the third*, that no man of what state and condition soever he be, shall be put out of his Lands or Tenements, nor taken nor imprisoned, nor disinherited without being brought in to answer by due process of Law: see the Statute it self, 28. *Edw. 3. cap. 3.*

And no man is to be put to answer without presentment before Justices, or matter of Record by due process of Law: for by a Statute made in the two and fortieth 42 *Ed. 3. c. 3* Year of the Reign of King *Edward the third*, it is assented and accorded for the good governance of the Commons, that no man be put to answer without presentment before Justices of Record by due process, or by Writ Original according to the old Law of the Land: and if any thing be done from henceforth to the contrary, it shall be made void in Law, and holden for error, as by the Statute appeareth 42 *Edw. 3. c. 3.*

Is it not contrary to *Magna Charta*, and the Law of the Land, to take men and imprison them, and pass judgement upon them in any case without due and legal proceedings? And if they have due and legal proceedings, are they not to be indicted or presented by good and lawful people of the same neighbourhood where the fact or offence is committed in due manner as aforesaid, or else by process made by Writ Original at the common Law: and if that be denied, and men be condemned before they be imprisoned, and without verdict of their equals, and without being duly brought in to answer, and tried by the course of the Law, are they not destroyed contrary to Law: or ought

ought not such things to be redressed and holden for none, as are against *Magna Charta*, and the Law of the Land as aforesaid. And if any man be imprisoned, and be not duly brought in to answer according to Law as aforesaid, ought not the proceedings against him to be void in Law and holden for error.

If men cannot legally according to Law, and the usage of the Realm, be tryed as offenders for the third offence for one and the same cause, matter, and thing; if they were never legally convicted of, and tryed for a first and second offence, according to the great Charters of the Liberties of *England*, or the former Statutes and Laws of the Land as aforesaid; may not that offence whereof they are first convicted and tryed by due process of Law, according to the former Statutes of the old Law of the Land, be in Law taken and deemed to be the first offence, and the other be void in Law, seeing the Law takes care and provides that all men shall have even Law and execution of right without respect of persons; and if they have not, where is the fault in the Law, or in the executors thereof, who are commanded and sworn to do even Law and Execution of Right to all men, rich and poor, without respect of persons; or shewing favour to one 20. *Ed. 3. c. 1*. more then unto another? they are not to withhold Law and Right from men (for differences in judgement in matters of Religion) but they are to let them have even Law and right as well as others: see *Magna Charta*, cap. 29. And see the Statute 20 *Edw. 3. ch. 1.* and 25. *Edw. 3. 4.* and 5. *Edw. 3. 9.* and 28. *Edw. 3. cap. 3.* and 42. *Edw. 3. cap. 3.*

The Law takes care and provides that Jurors be of the next neighbourhood, most sufficient men, and persons that are lest suspicious, as by the Statute appears, 28. *Edward 1. cap. 9.*

And no man is prohibited, but allowed by the Law of the Land to have Counsel of Pleaders, of learned men in the

the Law (for his fee) or of his next friends: so that a man may plead for his friend: see the Statute 28 Edward 1, cap. 11.

The Laws and Customs of *England* shall be pleaded, shewed, and defended, answered, debated, and judged in the English tongue in all Courts within this Realme, and are onely to be entred and enrolled in Latine: see the Statute for that, 36. *Edw.* 3. cap. 15.

Is it not the duty of a Judge to discern what is just by the rule of the Law, and so to make the Law his rule, his line, his measure, his weight, his yard, and ballance, which is called right it self and common Law, because it judgeth common right by a right line, which is the judge of it self, and its oblique, saith *Cook* in his second part *Institut*.

1. Are not the Judges to do justice and right according to the rule of the Law and Customs of *England*, *Cook* 2. pt. *Instit.* fol. 56.

2. They are not to sell, deny, or delay Justice and Right, neither the end which is justice, nor the means whereby the end may be obtained, which is the Law, saith *Cook* in his 2. part *Instit.* fol. 56.

3. The Court ought to be of counsel with the Prisoner, to see that nothing be urged against him contrary to Law and Right, saith *Cook* 3. part *Instit.* fol. 29.

4. The Judge ought to exhort the Prisoner to answer without fear, and that Justice shall be duly administred unto him, saith *Cook* in his 2. part *Institutes*, fol. 326.

5. The Judges of the Court who ever, are to be of counsel with the Prisoner, to give him Law and Justice *ex officio*, ought to enquire whether he be the same person, and of all other pleas which he might have pleaded, &c. saith *Cook* in his 2. part *Institut* fol. 178.

Nay, saith he, any learned man that is in the Court may inform the Court for the benefit of the Prisoner, of any thing that may make the proceedings erroneous, *Cook* 3. part *Instit.* fol. 29.

Also, saith he; It is lawful for any man that is in the Court to inform the Court, lest the Court should erre, and the Prisoner be unjustly proceeded with: see *Cook* 3. part Instit. fol. 137.

6. The Judges and Ministers of Justice are to allow the great Charters of the Liberties of *England* in all their points: for by a Statute made for the confirmation of the Charters 25 *Edw.* 1. cap. 1. It is enacted 25 *Ed* 1. c. 1. that all Majors Sheriffs, Justices, and other Ministers which have the Laws of the Land to guide them, shall allow the said Charters pleaded before them in judgement in all points: see the Statute it self 25. *Edw.* 1. cap. 1.

7. The Judges and Ministers of Justice are not to give Judgement against the great Charters; for whatsoever judgement is given against the Statute of *Magna Charta*, or of the Charter of the Forreft, is made void by the Statute 25 *Edw.* 1. cap. 2. because (saith *Cook*) the judgement is given against the Law, and the Statute it self saith, If any Judgement be given from henceforth contrary to the points of the Charters aforesaid, by the Justices or by any other, our Ministers that hold Plea before them against the points of the Charters, it shall be undone and holden for naught: Statute 25. *Edw.* 1. cap. 2. *Cook* 2 part Instit. fol. 226, 227

And by a Statute made the 42d. year of the Reign of King *Edward* the third, it is assented and accorded that the great Charter, and the Charter of the Forreft be holden and kept in all points; 42 *Ed.* 3. cap. 1. and if any Statute be made to the contrary, that shall be holden for none: see the Statute it self, 42 *Edward* 3. cap. 1.

The great Charters are to be read four times a Year in the Counties, and twice a Year in the Cathedrals, that the people may know they are confirmed, and are to be kept in all points: see the Statute 25 *Edw.* 1. c. 1, 2, 3.

1, 2, 3.

And

And it is enacted by the Statute of the 25 Edw. 1. cap. 4. that all Archbishops, and Bishops shall pronounce the sentence of excommunication against all those that by word, deed, or Council do contrary to the aforesaid Charters, or that in any point do break or undo them, and that the said curses betwixt a year denounced and published: see the Statute 25. Edw. 1. cap. 4.

All men are enjoined to uphold and maintain the great Charters: see the sentence of the Clergy given against the breakers thereof: In the name of the Father, the Son, and the Holy Ghost. *Amen.*

Whereas our Sovereign Lord the King, to the honour of God, and the Holy Church, and for the common profit of the Realm, hath granted for him and his heirs for ever, those Articles above written, *Robert* Arch-bishop of *Canterbury*, Primate of all *England*, admonished all his Province once, twice, and thrice, because shortness will not suffer so much delay as to give knowledge to all the people of *England* of these presents in Writing: We therefore enjoin all persons of what State soever they be, that they and every of them, as much as in them is, shall uphold and maintain these Articles granted by our Sovereign Lord the King in all points, and all those that in any point do resist or break, or in any manner hereafter procure counsel, or any wise assent to resist or break those ordinances, or go about it by word or deed, openly or privily, by any manner of pretence or colour. We the aforesaid Archbishop by our Authority in this Writing expressed, do Excommunicate and Accurse, and from the Body of our Lord Jesus Christ, and from all the company of Heaven, and from all the Sacraments of holy Church do sequester and exclude,

And as concerning liberty of Conscience about matters of Religion, The King hath been pleased to promise and declare a liberty to tender Consciences, *viz.* That no man shall be disquieted and called in question for differences of opinion in matters of Religion, so long as they do

not disturb the Peace of the Kingdom. Now forasmuch as the innocent people called Quakers have never disturbed the Peace of the Kingdom by designing or contriving any Insurrection, &c. They never yet forfeited their interest in the Kings promises; and the Act entituled *An Act to prevent and suppress seditious Conventicles*, provides remedies against the growing and dangerous practices of Seditious Sectaries and disloyal persons, who under pretence of tender Consciences do at their Meetings contrive Insurrections, as late experience hath shewed; so that the remedies are provided by the said Act against the growing and dangerous practices of such persons as have forfeited their interest in the Kings promises by disturbing the Peace of the Kingdom in contriving Insurrection, and not against the Innocent Meetings of the people of God, reproachfully called Quakers; or such as never yet forfeited their liberty therein, because neither former nor present experience hath shewed that they ever contrived any Insurrection, who are utterly and absolutely against designing or contriving any such thing.

Of the Assemblies and Congregations of the faithful. *Hilary* against *Auxentius*, saith, I pray you, O ye Bishops, which do think your selves to be so, what suffrages have the Apostles used for to preach the Gospel? with what power were they aided *Act. 5.* for to preach Christ; and as if it were to *Act. 16.* change all Gentiles from Images to God? have they taken any dignity of the Pallace, in singing of Hymnes and Psalms unto God in prison, being in Irons and Chains, and afterward to be whipped and scourged, Did *Paul* assemble the Church of Christ by the Kings Edict, when he was as a spectacle in the Theatre? they nourishing and keeping themselves with their own handy labour, in assembling themselves together within Chambers and secret places, and by the Streets and Villages, did environ and compass about almost all people

ple by land and by water, against the Decrees and Ordinances of the Senators and Edicts of the Kings.

Tertullian in his Apology against the Gentiles, chapter 29. saith, This Assembly of the Christians should be very unlawful, if it were like or equal unto the unlawful things; it should be worthily condemned, if it were complained of as of a Faction or Sect: but whom have we endamaged or hurt by our assembling and meeting together; we are the very same, as when we were all dispersed asunder every one by himself, not hurting any man. When wise men, and good and faithful people do assemble themselves together, we must not call that a Faction or Sect; but rather a Court: and on the contrary; we must apply the name of Faction unto those which hate good men, that cry against the blood of the innocent under colour of their unity, and for defence of their hatred: Forasmuch as they do esteeme and judge that the Christians are the causes of all losses and common mishaps. If the River *Tiber* mounteth or swelleth above the walls; if the River *Nile* do not descend upon the fields, if the heaven do stand still, if the earth tremble, if there be Famine, or Pestilence; by and by they cry after the Christians for to cast them into the Lions Den.

And as *Tertullian* in his Apology against the Gentiles saith on the behalf of the Christians, so may I say on the behalf of the people of God; reproachfully called Quakers. This assembling of theirs should be very unlawful if it were like or equal unto the unlawful things of Sedition or contriving Insurrection; or if they did meet with any intent to do some unlawful act with force or violence, either against the peace, or persons of another, in a seditious and tumultuous manner. But whom have the Quakers, so called, endamaged or hurt by their assembling and meeting

ing together; they are the very same (when they are met) as when they were all dispersed asunder every one by himself, not hurting any man.

Ensebius Bishop of *Cesaria* in his Ecclesiastical History, lib. 6. chap. 11. Alledging the Epistle of *Alexander* Bishop of *Jerusalem* against *Demetrius*; and rebuking him, thus saith, That which thou hast added in thy Letters thou sayest That it was never seen that the lay and secular people should dispute of the Faith in the presence of the Bishops: I knowe what moved thee to affirm a lye so evident, inasmuch that as often as there is found any man that is sufficient and apt for to give good counsel, and to instruct the people; the Bishops have accustomed to desire him to do it, as our Brother the Bishop *Neon* did unto *Eusepius* in the City of *Laranda*, and the Bishop *Celsus* unto *Paulinus* in the City of *Iconium*, and the Bishop *Arcadius* unto *Theodosius* in the City *Sinuas*. And there is no doubt but the other Bishops may do the like in their Diocesses when they finde any one which is a man for to profit the people.

And *Chrysostome* upon the first Chapter of *1 Cor.* 8. saith, I desire most earnestly and do pray, that ye be all in the order of Doctors, and not onely to be hearers of our words; but also that ye would report and declare unto others our doctrine, and that ye would correct those that do erre or go astray, to the end they may return into the way of truth; as *St. Paul* saith, *Exhort one another, and edifie one another, &c.*

And a little after he saith, God would not that the Christian should be onely content with himself, but that he do also edifie others, and not onely with Doctrine, but also with good life and conversation.

And when he was come into the Temple, the chief Priests and the Elders of the people came upon him as he

was teaching, and said, By what authority doest thou these things, and who gave thee this authority.

They declared (saith *Christosome*) That there was some which did give power unto men, be it corporal or spiritual, as if they had said thus, thou art not engendered of the sacerdotal family, the Senate hath not permitted thee to do this, *Cesar* hath not given it thee. But, if they had believed that all power is from God, they would never have asked who hath given thee this power, knowing, that every good gift, and every perfect gift, is from above, and cometh down from the Father of Lights, and that a man can receive nothing at all except it be given him from above: see *Christosome* upon the 21. chap. of *Matthew*, 39. *Hem*.

Antoninus Pius was a great defender of the Christians: for Speed in the History of Great Britain, speaking of the care that this Emperour generally had for the distressed and persecuted Christians; in whose defence he wrote to his deputies in Asia, and published an Edict against their Accusers: the effect whereof (saith he) from East to West is this

1657
**An Ediſt of Antoninus for protection
of the Chriſtians.**

THe Emperour *Caſar, Marcus, Aure-
lius, Antoninus, Auguſtus, Armeni-
cus, Pontifex, Maximus,* fifteen Euseb. Ecclef.
times Tribune, thrice Consul unto the Com- Hist. l. 4. c. 13.
mons of *Asia* ſendeth greeting: I doubt not-but the gods
themselves have a care that wicked persons shall be brought
to light; for it much more doth appertain unto them then it
doth unto you, to punish such as refuse to yield them wor-
ship: but this course which you take doth confirm them
whom you persecute in this their opinion of you, that you
are impious men, and meer Atheists; whereby it cometh to
paſs that they desire in the quarrel of their God, rather to
dye then to yield to the wills of such as you are, and to em-
brace the form of Religion, &c.

In the behalf of these men (*viz.* the Christians that were
banished and persecuted to death for the service of the Im-
mortal God) many of the principal Presidents have written
before unto our Father of famous memory: to whom he
answered, That they should not be molested, unless they
were proved to have practiced Treason against the Emperi-
al State: and touching the same matter, some have given
notice unto me, to whom I have answered with the like mo-
deration as my Father did before: And by this our Ediſt do
we ordain, That if any hereafter be found thus buſie in mo-
leſting theſe kinde of men without any their offence, We
command that the hat is accused upon this point be absolved,
albeit he be proved to be such a man as he is charged to be,
that is, a Christian: and he that is his accuſer ſhall ſuffer the
ſame puniſhment which he ſought to procure upon the other.

This

This Edict was promulgated at Ephesus in the general Council of 431. So favourable was this good Emperour (saith he) to the true professors, and (indeed) to all sorts of men, having that Apothegm of *St. Basil Africanus* rife in his mouth, That he had rather save one Subjects life then kill a thousand Enemies. *Speeds History*, fol. 100.

